

REMARKS

In accordance with the foregoing, claim 1 is amended. No new matter is believed to be added. Claim 4 is cancelled without prejudice or disclaimer. Claims 6-17, which were previously withdrawn, are now canceled without prejudice, the subject matter therein not being disclaimed. Claims 1-3 and 5 are pending and under consideration.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-4 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over JP 2000-255579 to Ito et al. (hereinafter "Ito").

Independent claim 1 is amended herewith to specify that the thin film forming method includes

a second step of forming a final thin film by increasing the flow amount ratio after the first film forming step, wherein [...] the second step of forming the final thin film is performed under a second condition that the flow amount ratio of monomer gas with respect to the reactive gas reaches 1000 or more, and the second step of forming the final thin film lasts for 1 to 3 seconds.

The claim amendments are supported by the originally filed specification. No new matter is added.

Ito discloses a method of forming a barrier layer including silicon oxide on the surface of a plastic container using a plasma-CVD method, in which the flow amount of organic silicon compounds is decreased with respect to oxide (i.e. reactive gas) (see claim 2). Ito aims to shorten the time for forming a thin film while decreasing the load applied to an exhaust system used in a thin-film-forming apparatus.

According to the thin film forming method of amended claim 1, in the second step, a final thin film is formed after the first thin film forming step by increasing the flow amount ratio. As a result, it is possible to form a thin film which has not only gas impermeability, but also flexibility, so that cracks hardly occur (see e.g. paragraph [0069] in the publication of the above-identified application, 2005/0271818).

Furthermore, in the second step, a flexible silicon oxide thin film is formed because "the flow amount ratio of monomer gas with respect to the reactive gas reaches 1000 or more, and the second step of forming the final thin film lasts for 1 to 3 seconds" (see paragraphs [0071] and [0072] in the publication of the above-identified application, 2005/0271818).

Applicants found no evidence that Ito anticipates or renders obvious the second step as recited in amended claim 1.

Therefore, amended independent claim 1 and claims 2, 3, and 5 depending directly or indirectly from claim 1 patentably distinguish over the cited prior art at least because the newly added features of claim 1 are not anticipated or rendered obvious by Ito.

CLAIM REJECTIONS UNDER 35 USC § 103

Claim 5 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ito in view of U.S. Patent No. 5,569,497 to Verzaro et al. ("Verzaro").

Verzaro does not correct or compensate for the above-identified failure of Ito in anticipating or rendering obvious all the features of amended claim 1. Thus, claim 5 patentably distinguishes over the cited prior art references at least by inheriting patentable features from amended claim 1.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

Jan 8, 2010

By:

L. Todor

Luminita A. Todor

Registration No. 57,639

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501